

DRAFT CONSERVATION COMMISSION MINUTES
WEDNESDAY, MARCH 21, 2007 – 7:00 PM
CATA CONFERENCE ROOM
3 POND ROAD
MAX SCHENK, CHAIRMAN

MEMBERS PRESENT

Ann Jo Jackson
Max Schenk
Charlie Anderson
William Febiger
Robert Gulla
Arthur Socolow

MEMBERS ABSENT

STAFF PRESENT

Nancy Ryder, Conservation Agent
Carol Gray, Recording Clerk

Ms. Ann Jo Jackson Chairperson at this time, opens the meeting with the reading of the agenda.

Community Preservation Act – The Agents notes a letter to be drafted and the matter continued until 04/04/07 7:00 PM.

124R MAGNOLIA AVENUE

Ms. Ryder states that a storm water management plan has been provided. The Engineering Dept. did not approve it as they noted no 2 ft. clearance to ground water.

The Agents notes that its pretty much (0) zero separation.

MOTION: Mr. Anderson moves to continue the matter until 04/04/07 7:00 PM

SECOND: Mr. Socolow **VOTE:** 5-0 all in favor

201 ESSEX AVENUE

The Agent notes a response from The Engineering Dept. with several conditions.

It was noted that they have a concern re: the grinder pump.

Ms. Jackson inquired as to whether or not the Commission would be voting on this matter this evening.

Ms. Ryder reads from a letter dated 03/13/07 from the Engineering Dept. in regards to the conditions.

Mr. Anderson stated that with so many conditions listed he would feel more comfortable waiting and continuing the matter, having the conditions agreed upon and met.

Mr. Gulla notes he is in agreement with Mr. Anderson.

Mr. Socolow inquired as to this being done during the construction or before approval of the conditions.

Mr. Anderson asked if the Agent was happy with the replication and

Ms. Ryder stated that the delineation was way too conservative and does not match the hydrology of the land.

PUBLIC COMMENT: none

MOTION: Mr. Anderson moves to continue the matter until 04-04-07 at 7:05 PM **SECOND:**

Mr. Socolow **VOTE:** 5-0 all in favor

31 RIVER ROAD (Map 118 Lot 9) In order to amend Ch. 91 License.

The Agent notes that responses are in from the Harbormaster and Shellfish.

Notice of Intent was reviewed with no concerns.

Ms. Ryder read from a letter from Shellfish.

Ms. Jackson inquired as to the storage of the float.

Ms. Ryder stated the float would be upland, with Ms. Jackson suggesting it should be listed as a condition.

MOTION: Mr. Gulla moves to accept the project with the following conditions:

Specification of materials and storage of the float to be upland.

SECOND: Mr. Febiger

VOTE: 5-0 all in favor

7:25 PM Mr. Schenk enters the meeting and will now chair the meeting.

84 MAGNOLIA AVENUE

(Re: Agents report on Violations)

The Agent notes that they have done a good job and all is being followed through.

209 ESSEX AVENUE

It was noted that this matter will wait until the 10:00 PM time frame. The applicant did contact W. Manuell but no contract is signed. The signing is suppose to be done today, 3/21/07.

MACC Model Ordinance

Mr. Gulla stated he was only able to reach about three pages and no other Commissioners have read it to date.

130 WHEELER STREET

28-1727 Amendment to address coastal bank violation.

The Agent notes that there was a request for a continuance by the applicant. This matter has been continued for a year now and they have not submitted anything.

The Agent stated either to continue or deny and to be amended through an Enforcement Order through the original NoI.

The Agent notes a letter from Mr. Sandler the attorney for an abutter stating the opposing of their amendment.

Ms. Ryder notes denying, amending and re-ratifying the Enforcement Order.

Mr. Anderson and Mr. Gulla agreed.

Ms. Jackson notes the amount of fines as being: State \$25,000.00 and Local \$2000.00.

Ms. Jackson asked if it was (1) one violation under each state and local.

Ms. Ryder stated that the Commission would have to agree on that.

Mr. Anderson suggests that the amendment be denied with fines.

Ms. Ryder notes that the original did not levy fines at least not yet.

Mr. Febiger inquired as to any conditions re: the coastal bank.

Mr. Anderson stated he had mixed feelings about the fine.

Mr. Schenk noted that in the past if conditions have been met fines have been dropped.

Mr. Socolow noted to the Commission that re: the fines it states up to that amount, not a specific required amount. He further stated that some fines should be assessed in this case.

MOTION: Ms. Jackson moves for denial of the amendment, fines per day: 1 state at \$25,000.00 and 1 local at \$2,000.00, original Enforcement Order with fines.

SECOND: *****

VOTE: 6-0 all in favor, documents signed by all members present.

1106 WASHINGTON STREET (Map 143, Lot 2)

John Judd, Gateway Consulting for the applicant.

Deborah Coull is the applicant and present at the meeting.

Mr. Judd presents the plan for the Commission to review.

He notes the buffer zone with the proposed addition going behind the existing structure.

He states that the applicant has a 95 yr. old mother with handicaps.

A and B on the plan designate the Wetland. A NoI was filed.

A site walk was done and the plan revised.

He notes a revised shallower SW retention facility recommended by Rick Clark.

Test holes were done finding shallow ledge, with the depth of the ledge increasing as you travel north.

He states a crushed stone shoulder w/planting strips to be used and notes the letter from Rick Clark re: the shallow ledge.

Ms. Ryder notes that the Engineering Dept. is not issuing a letter of support which is a concern to her. She further noted that the location of the stream channel needs to be noted on the plan. The Agent further notes the stream culvert and not wanting to rupture it. Mr. Judd acknowledges the sensitivity of the stream culvert.

Mr. Anderson notes this being a possibly alarming situation for the homeowners re: flooding.

Mr. Judd notes that 100% of the runoff from impervious is going right to the infiltration system. He further states that in that area there are very old homes and that the applicant cannot correct the neighborhood issues re: flooding.

He noted the existing catch basin and the existing culvert which is clogged with sticks.

Ms. Ryder states that no one is asking the landowner to solve the neighborhoods problems, just not to add to it.

Mr. Judd states for the record that this plan will improve runoff.

Mr. Febiger asked if it would be a step system under a bituminous driveway.

Mr. Judd states yes and that there would be a (2) two compartment tank.

Ms. Ryder notes this being 1200 sq. ft. total for the two story with 24 x 30= 750 sq. ft. existing.

Mr. Judd notes this being a 5725 sq. ft. lot.

Mr. Febiger inquired as to the porch being new and if the area to the right of the porch would be a grassy area. Mr. Judd stated yes on both counts.

Mr. Febiger further asked what is to the right of the porch and Mr. Judd stated a lawn area. Mr. Febiger further noted that the porch area seems quite large.

Mr. Judd stated that the builder, Tom Williams is present this evening.

Mr. Judd notes that at the ZBA no abutters appeared for the meeting.

Mr. Febiger inquired as to the ledge and Mr. Judd stated it was not exposed.

Ms. Jackson asked for a measurement clarification wanting total impervious.

The applicant stated she has no storage, half a basement, no attic and that the bathroom is on the second floor.

Ms. Ryder notes that the right type of stone is needed re: the infiltration which is to be designed to store the water and distribute it slowly.

Mr. Gulla stated that the applicant should work with the Engineering Dept. for a favorable result.

Mr. Judd states that the flooding is a neighborhood issue.

Ms. Ryder notes that this is not what she sees or what she is reading.

Mr. Judd notes a March 15th meeting and reads from a letter from the Engineering Dept.

All Commission members review the plan.

Ms. Ryder notes that the Eng. is looking for a reduction of pervious.

Ms. Coull asks if that means the driveway being stone and Mr. Schenk stated yes.

Ms. Ryder notes the patio and inquires as to the planting plan.

Ms. Coull states that it will be lawn.

Ms. Ryder states that it is not what the plan shows and further notes that maybe they should consider taking the patio out.

PUBLIC COMMENT: none

Ms. Ryder notes that based on the letter from Eng. no draft has been done.

Mr. Anderson notes that when the papers are drafted he would sign.

Mr. Gulla abstains. Mr. Socolow: no comment

Ms. Jackson stated that she was satisfied with the conditions and Mr. Febiger agreed.

The Agent notes that they need to be in compliance and/or work things out with the Eng. Dept.

Mr. Schenk notes a draft being done for the next meeting and what the Commission is looking for is the impervious shrunk down.

Mr. Judd notes revisions to be done on the plan re: removing pavement on the plan.

He further states that he cannot make the Eng. give them a letter.

Mr. Schenk notes that a motion to continue is needed or closing with conditions.

Mr. Gulla suggests a condition of no patio.

Ms. Ryder asks that we not close this matter as we are close to the end and everyone knows what they have to do.

It was further noted that the driveway being 640 sq. ft, being a reduction would convert to pervious, from impervious to pervious.

MOTION: Mr. Anderson moves to continue the matter until 04/04/07

SECOND: Mr. Febiger

VOTE: 5-0 all in favor

The Commission discussed a memo dated 03/15/07 from Richard Clark.

BASS AVENUE (Map 50, Lots 22, 23, 24, 25, 26, 27, 28, 29)

Continued until 04/04/07 9 PM

MOTION: Ms. Jackson moves to continue the matter to the above date and time.

SECOND: Mr. Gulla

VOTE: 6-0 all in favor

Amendment to motion (9:45 PM), Mr. Gulla notes that in re: to Mr. Socolow's concerns regarding this project, he suggested that Mr. Socolow write a letter and then that way the applicable parties would be aware of his concerns.

It was noted by the Agent that the last discussion on any further agendas will be scheduled for 9:30 PM.

COMMISSION BUSINESS

The Agent notes several educational opportunities for the Commission members.

As follows:

Beach Nourishment Workshop at Woods Hole, 05/04/07 with the fee for 1 member provided.

Planning for Compliance – Storm water regulations workshop, 04/11/07 in Portsmouth, NH with the fee for 1 member provided.

Great Marsh Coastal Wetland

Coastal Zone Management workshop regarding Compliance of enforceable orders.

Dredging Regulations, 04/12/07 9:30-11:30 AM at the Parker River Refuge.

Ms. Ryder notes that there are number of dredging projects slated. The Agent will notify Mr. Schenk and Mr. Gulla by email.

LID (low impact development) workshop, 04/05/07 in Framingham with the fee for 1 member provided.

Further discussed was a petition from neighbors to DEP re: a 30 year old project. The Commission denied it and the DEP allowed it with extensions for 30 years.

Cape Ann Veterinarian Hospital hired W. Manuell re: a restoration plan.

Muddy Waters – An article re: erosion control. Ms. Jackson and Mr. Gulla requested information by email from the Agent.

65 Farrington Avenue - The Agent reads a letter from a resident re: property near to the Post Office. This is not a Cons. Comm. issue as we have no jurisdiction in regards to air pollution. Mr. Schenk notes that if this is demolition then it's a Board of Health issue.

The Agent reports that in relation to Keystone Avenue, Mr. Steven Golden appealed the re-denial of the appeal, of the appeal.

The Agent notes an article from Northern Woodland Magazine: Rediscovering Long Gone Forests.

12 RIO DRIVE (Map 185 Lot 157) REQUEST FOR A CONTINUANCE 04/18/07

Poole Construction to construct a single family home on pilings with a deck, driveway and utilities.

Mr. Anderson inquired as to how many times this matter has been continued.

The Agent notes that information to the appropriate parties as of yet has not been sent.

Mr. Gulla notes that it should be made clear when they are notified of the acceptance of the continuance date that they are to show up this time and this is their chance.

MOTION: Mr. Anderson moves to continue the matter until 04/18/07

SECOND: Ms. Jackson

VOTE: 6-0 all in favor

46 LEVERETT STREET (Map 162, Lot 17)

Christine Peterson to demolish the dwelling and construct a new dwelling.

The Agent notes that this matter is under review by DEP.

A revised narrative has been submitted to update the site control information, sequencing and patio information. There are no other outstanding issues or concerns.

The Engineering review is complete and there are no concerns or requested conditions.

800 sq. ft. existing structure with a replacement of 1100 + sq. ft. of new structure. Hay bales have been removed and replaced with straw woddle.

A 3 to 5 inch trench to be dug with woddle placed in it.

Contours numbered with elevation 98 noted.

The roof runoff system consists of drywall w/vegetative cover.

The existing patio will remain and extended to the new wall.

The ZBA granted variances.

Ms. Jackson notes in the previous notes mitigation at 2 to 1.

Mr. ***** stated he would provide that.

Ms. Ryder read the Engineering statement.

Mr. Gulla notes to the applicant, when dealing with mitigation please be sensitive to the location. It was further noted that the plantings are to be native non invasive vegetation and a plan is to be done before construction.

PUBLIC COMMENT: none

Mr. Anderson asked if the Agent has the final plan.

Ms. Ryder notes that she does and a draft has been prepared.

She further notes that they should accept the project contingent upon aforesaid conditions as well as noting any issues DEP has.

MOTION: Ms. Jackson moves to accept the project contingent upon aforesaid conditions.

SECOND: Mr. Febiger VOTE: 6-0 all in favor

Ms. Ryder discussed work that the DPW has done re: storm issues. She suggested to the Commission the sending of a notice to DPW acknowledging there efforts. It was agreed by all members to go forward on that.

The previous Minutes of the Meeting (03/07/07), were discussed and corrections were noted.

The recording clerk will make all corrections and resubmit the minutes to the Agent.

MOTION: Ms. Jackson moves to accept the corrected minutes

SECOND: Mr. Febiger VOTE: 6-0 all in favor

5 Minute recess

11 JEBEKA LANE (Map 252, Lot 13)

The Agent reports to the Commission that the applicants are still working on outstanding concerns w/91 and ACEC. She has not seen a detailed restoration plan or pre/post pier balance yet and that a meeting is hopefully pending with a representative from 91, ACEC and the Conservation Commission with the applicants.

MOTION: Ms. Jackson moves to continue the matter until 04/18/07 9:45 PM

SECOND: Mr. Febiger VOTE: 6-0 all in favoR

362 MAGNOLIA AVENUE (Map 213 Lot 13) **NEW**

REQUEST FOR CONTINUANCE TO 04/04/07 AT 9:00 PM.

The Agent reports that a NoI was filed but it is not complete.

This issue has been in violation for almost 3 years. She noted that construction vehicles are adjacent to the Little River.

PUBLIC COMMENT: none

MOTION: Ms. Jackson moves to continue the matter to 04/04/07 at 9:00 PM

SECOND: Mr. Anderson

VOTE: 6-0 all in favor

21 FOREST LANE (Map 226, Lot 12) **NEW**

Neil LeGallo requests the Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance to temporarily cross a stream with a back hoe to conduct soil tests.

Mr. Neil LeGallo presented this matter to the Commission.

He states that he owns 24 acres in West Gloucester and is requesting a 1 day permit.

Mr. Socolow asked what kind of equipment would be used and Mr. LeGallo stated he would be using a back hoe or small excavator.

Mr. Gulla inquired as to how many holes would be made for the testing.

Mr. Ryder notes it having to be 100 ft from the stream, BVW. Within the buffer zone a possible perk application location may be warranted.

Mr. LeGallo stated that he had two locations he wanted to use and was asked if they were more than 100 ft. from the stream and he stated yes.

Ms. Ryder notes that there is a buffer zone on all (4) four sides.

Mr. Gulla noted that he was not as concerned about the holes as he was about location and staying away from the buffer zone. He further noted that Mr. LeGallo may want to get a Wetland Specialist in for this.

Mr. LeGallo noted that Polaris Engineering did the delineation and now he has Mr. William Manuell.

Ms. Ryder noted that he would have to tell Jennifer where the tests will be and that all tests come back for sign off. She further asked the applicant about the Board of Health being contacted as specific dimensions of the perk testing is needed. She noted that Jennifer is available to help guide the applicant.

Mr. Gulla notes that all we are approving tonight is the stream crossing in a very sensitive area. He notes it being a 1 day crossing, temporary measure, not for development and just for perk testing. This being a Request for Applicability.

PUBLIC COMMENT: none

MOTION: Ms. Jackson moves to accept with no negative impact re: the stream crossing Positive 2B, Positive 5, Negative 3.

SECOND: Mr. Gulla

VOTE: 6-0 all in favor

372 MAGNOLIA AVENUE - tabled until after the next issue to be discussed.

19 RUSSELL AVENUE (Map 296 Lot 1) **NEW**

The City of Gloucester requests the Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetland Ordinance to restore the residuals handling facilities at the Babson Water Treatment Plant.

The project proposal is for maintenance dredging of lagoons constructed to hold and filter sludge from the treatment plant.

Ms. Christine Millhouse is before the Commission for the presentation.

Ms. Millhouse states that they alternating with 2 lagoons and that presently both lagoons are full. They are currently just adding backwash water to the lagoons.

Under the approval of DEP is a sample plan with 3 rounds of samplings and 2 were found to have no contaminants detected.

They are trying to remove sludge from the south lagoon. She states it is imperative that the sludge be removed from the lagoon and that if we operate the plant using the North lagoon the sludge is distributed to the stream. The process would be to have a front end loader into the lagoon to remove the sludge, truck and transport and then to a stock pile area. She further stated that they have started to prepare to keep the sludge in place and are prepared to start on Saturday. Mr. Febiger asked if the temp. storage was in the buffer zone and Ms. Ryder stated that it is to the right of the pavement.

Mr. Schenk noted that the Commission should discuss an Emergency Order.

Ms. Ryder noted Dave Knowlton and the West Gloucester treatment plant malfunction and further mentioned a short term emergency permit to start lagoon work ASAP.

An emergency permit was issued to start the sludge procedure.

Mr. Schenk inquired as to the length of this project and Ms. Millhouse stated it would be 1 to 5 days. The WPA Emergency Certificate form was read by the Agent.

Mr. Socolow inquired as to the water into the lagoons having already gone through the plant.

Ms. Millhouse stated that the water would go through the filters and it contains all the material that the filters have trapped, then into the lagoon.

Mr. Gulla inquired as to why this is not part of a maintenance plan.

Ms. Ryder noted that the maintenance is over a perennial stream.

Mr. Gulla noted that it looks as if the stream has been channeled and Ms. Ryder stated yes it has. The bank of the lagoon and the bank of the stream are the same.

Ms. Ryder notes that due to the proximity to the stream, failure to maintain stable banks between the lagoons and the stream could result in a bank failure and the concern is taking too much of the bank with what is coming out of the lagoon.

Mr. Socolow inquired as to sludge samples being taken and analyzed and Ms. Millhouse stated yes that has been done. She further stated that DEP allows six months to stockpile.

She is waiting on the 3rd stage of the analysis.

Mr. Gulla noted a concern he had regarding spillage.

Ms. Ryder noted the stock piling being too close and that it should be 50 ft. from the stream. Ms. Millhouse pointed out to the Commission the fence line on the plan. She further noted that street sweepings would be used for a berm that would be 5 ft. wide and 4 ft. long.

Mr. Gulla asked if this was already under construction and Ms. Millhouse stated yes.

Ms. Ryder asked Ms. Millhouse what she meant about already starting and the fact that they talked about sand not street sweepings.

Ms. Millhouse said a sealed truck would be used.

Mr. Gulla noted concerns he had re: the degradation of the bank and the area where the stock piling is to be done.

Ms. Ryder notes that the creation of a berm adjacent to a perennial stream was not taken into consideration in re: to the Emergency Permit.

It is 20 ft from the stream.

All Commission members review the plan.

PUBLIC COMMENT: none

Mr. Schenk noted the existing berm and would there be adding to it like the secondary containment center.

Ms. Ryder notes the more critical point is the fact that it should be sand and nothing else.

Ms. Millhouse stated it would be street sweepings and is classified as such. They are tested street sweepings with DEP approval.

Ms. Ryder asked if a copy of the results of the “street sweepings” could be available for the Commission to review.

Mr. Schenk stated that a good idea may be to have a maintenance schedule put in place.

He further noted that a copy of the results from the testing of the sand would be in order.

He inquired as to the distance between from berm to mulch to stream.

Ms. Ryder noted it being a flat area and is concerned with leeching. Water may leech through other materials (such as street sweepings) into the stream.

Ms. Ryder notes that failure to clean the lagoons in time will result in the possible discharge of sludge water directly into the stream.

She further noted that the Engineering designs are OK but there should be some kind of secondary action like fabric keeping the sludge out of the stream. She feels further documentation is needed. There has been no feedback from Dave Sargent or DMF for this project, although cleaning of the lagoons in a timely manner would not result in any disturbance to the stream and would therefore not trigger Mr. Sargent or DMF involvement.

Noted: Positive 2B, Positive 5, Negative 3.

MOTION: Mr. Gulla moves to approve the determination of applicability to ratify the project, approved RDA and ratify the Emergency Certificate.

SECOND: Mr. Anderson

VOTE: 6-0 all in favor

372 MAGNOLIA AVENUE (Map 213, Lot 16) **NEW**

Mr. Dave Knowlton, Dept of Eng., Mr. Bill Ross and Mr. Aaron Ciluffo present.

Mr. Knowlton discussed the plan with the Commission including the discharge to the lagoon and back wash. He stated that they have been ordered by DEP to do the plan.

There is a potential for sludge to overtop the lagoon and run into the stream.

The bidding process for the project ends 08/01/07 with a finish date of 02/08. It is a publically bid project. He stated that he felt they could meet any terms.

He further discussed the check dams, the tank, a mulch sock and a portable sedimentation tank. There was a further discussion with the Commission to clarify details shown on the proposed plan with the applicant.

Ms. Ryder noted concerns she had such as the need for the applicant to explain the pipe to DEP and a condition needs to be made re: cleaning out the lagoon and sludge going into the stream, with the cleanup to be done within the 6 months of completion.

PUBLIC COMMENT: none

MOTION: Mr. Gulla moves to approve the NoI with the aforesaid conditions.

SECOND: Mr. Anderson

VOTE: 6-0 all in favor

KONDELIN ROAD (Map 197, Lot 9) **NEW**

Gloucester FDIC to remove deposited gravel and trash rack at the culvert inlet and install a beaver flow device at the culvert inlet and outlet.

Mr. Schenk – recused Ms. Jackson will chair the discussion of this project.

Trey Desolet presents the plan to the Commission and discusses the beaver activity.

She stated that stone is to be removed as well as beaver dam material.

She stated that the fence prevents beavers from creating a dam as it is 6 inch trapezoidal mesh fence with a floor.

She further noted a 12 inch flexible pipe in the culvert at the north end which is to minimize flooding in the area. This allows the beavers to be in the area but not allowing them to go through the culvert and create a dam.

Mr. Ryder notes concerns she has such as the fact that the level of detail of the plan needs to be increased re: habitat. She further noted the potential for loss of BVW habitat when dropping the water level. A narrative needs to be done and we need elevations stats.

The resources have to be identified and the delineation needs to be done.

Mr. Socolow inquired as to the screens and Trey noted that it would be a 6 inch mesh fence to prevent the beavers from going inside.

Mr. Socolow asked if there was an alternate place for the beavers to set up a habitat and Trey stated that this is not a guarantee to resolve the beaver problem in Gloucester.

Ms. Ryder notes that the habitat of the beavers is under regulations.

Mr. Gulla inquired as to the mesh doubling as a trash rack and Trey stated that it would be cleaned out 2 times annually.

Ms. Ryder stated that the maintenance plan should be attached to the OoC.

Mr. Gulla inquired as to where the limits of work are on the plan and that they need to be added.

Mr. Febiger inquired as to the outflow and it being 2 ft. Trey stated that they want a minimum of 2 ft of water at the culvert inlay in regards to the beaver habitat.

Ms. Ryder notes that there is not enough information at this time and that more is needed.

She stated that evidence is needed and that this project still has to meet the regulations.

Ms. Jackson stated that more information is needed re: the delineation of all resource areas.

Ms. Ryder notes further information needed re: the loss of BVW habitat, the need for a formal operating and maintenance plan (2 annually), the limit of work and the impact all this will have on the area.

Mr. Febiger inquired as to any documentation regarding the history of the area and Ms. Ryder stated that in 2005 humans interfered with the beavers. She further inquired with the Commission re: a site visit. Mr. Gulla, Mr. Anderson and Ms. Ryder will perform the site visit.

PUBLIC COMMENT: none

MOTION: Mr. Anderson moves to continue the matter to 04/18/07 7:30 PM

SECOND: Mr. Febiger VOTE: 5-0 all in favor

Mr. Schenk resumes as Chairman.

SAM PARK (Map 262, Lots 13 & 14, Map 43 Lot 4)

REQUEST FOR CONTINUANCE TO 04/04/07 9:45 PM

A filing under the City of Gloucester Wetlands Ordinance by Sam Park to construct mixed use development and access the road off Rte 128 Extension behind Fuller School.

MOTION: Mr. Anderson moves to continue the matter to the above date and time.

SECOND: Mr. Febiger

VOTE: 6-0 all in favor

SAM PARK (Map 262, Lots 13 & 14, Map 43 Lot 4)

REQUEST FOR CONTINUANCE TO 04/04/07 10:00 PM

A filing under the MA Wetlands Protection Act to construct mixed use development and access road off Rte 128 Extension.

MOTION: Mr. Anderson moves to continue the matter to the above date and time.

SECOND: Mr. Febiger

VOTE: 6-0 all in favor

54-56 WOODWARD AVENUE (Map 219, Lots 109 & 110) **NEW**

Thomas Lorden to construct a dwelling with associated parking, grading and utilities.

Mr. John Judd, Gateway Consulting is present rep. the applicant.

Mr. Judd states that this project is 18,000 sq. ft./ 2 lots.

To the north is a right of way for the neighborhood to access the waterfront.

The plan was shown and discussed with the Commission.

No trees are to be removed as this is a very sensitive sight.

The vegetative Wetland is noted in light green on the plan. Shrubs are to be added for additional habitat along with a driveway and utilities.

Mr. Schenk notifies the public that this matter will be continued pending information from DEP.

Ms. Ryder did a site visit with Mr. Judd and notes the coastal bank being accurate.

Further noted was the destabilization of trees on the bank at the NW corner.

Mr. Judd notes that this does meet regulation performance standards.

He further stated that this is a pre-existing lot and that the applicant is entitled to some use.

Mr. Schenk inquires as to this being a split lot.

Ms. Ryder notes the assessors and zoning and states further that the Commission can review both lots as one lot.

Mr. Gulla states that the trees and mitigation need to be noted. He further asked how you control human activities to a minimum.

Mr. Judd notes the limit of work and the no disturbance zone and further states that according to the City of Gloucester, this is a buildable lot.

Mr. Schenk notes (2) two trees: Oaks being 28 and 32 inches. He further inquired as to the construction sequence.

The plan was revised on 03/13/07.

Mr. Anderson notes one tree (32 inches); being approx. 3 ft. from the house with the other tree (28 inches), up against the house.

Mr. Febiger inquired as to the use of an L shaped house.

Mr. Schenk stated it looks as though the placement is as far back as it can go.

Mr. Febiger suggested reducing the house, make it L shaped and work with the architect.

Mr. Judd notes that this is a revision plan and he knows that there will be more comments.

Ms. Ryder notes that the site can be seen from the road. She further noted a site visit to be done.

Mr. Schenk opens up the discussion to public comment and further notes any comments should be in writing as a document for the record.

PUBLIC COMMENT:

****Mr. David McCauley –abutter-** stated that he preferred the house not be there. He stated he was confused as to whether or not this is one lot or two. He further inquired as to the zoning regulations regarding this project.

He feels this is a marginal lot and marginally buildable.

In regards to the coastal bank Mr. McCauley submitted photos to the Agent from 2 years ago noting the high water. He stated he saw a straight slope today and that he would like the participants of the site visit to be aware of that when observing the property.

Mr. Schenk inquired as to photos noting the historic water levels and that the Commission needs to have that information. The Conservation Commission notes this as 1 lot and the Zoning Board notes it as 2 lots. The abutters need to provide information to the Commission re: high water.

****Ms. Deb Liacos – 41 Woodward Avenue** states that she has lived at that location for 41 years. She notes the plan pointing out this area being critical clamshell banks. She urges the Commission to be careful in re: to setting a precedent regarding houses on stone piers. She further noted that she agrees with Mr. McCauley's comments.

She asked how can they do this project and not disturb the oaks, which are approx. 100 yrs. old, and get the house placed in that location. A 20 ft. long boulder and an Oak are just to the side of the placement of the house.

She asks that the Commission consider this project carefully.

****Christine Rasmussen** noted deeded recordings, one dated 11/07/01 as \$17,000.00 and another dated 05/29/02 as \$10,000.00. She further noted the deed plan from 1906 with the recorded lot at 85 ft and she questions it being at 100 ft now. She asked how something like that happens. She further inquired as to the relationship between a house and human activity and the no disturbance zone. She inquired as to the sewer and water line as well as any excavation.

****Ruth Sullivan 17 Woodward Avenue** stated that the property is a very uneven lot. She can see significant construction disturbance. She feels this is a sensitive area, can see some disturbance to the marsh and several environmental issues. She further stated with a 20 x 40 structure there may be a considerable amount of roof runoff. She feels the structure will shade the area, interfere with the clam flats and urges the Commission to be careful in their decisions. She noted concerns regarding any tree removal and mitigation.

****Jan Gagliatti** stated that she shares in the neighbors concerns.

****Timothy Creso – abutter –** stated that he shares the same concerns as other neighbors. He stated that things need to be defined and he is grateful that the Commission will be reviewing the plan.

****John Feena** stated his concerns regarding potential disturbance to trees.

**** Lisa Grassy** shares the same concerns as other neighbors. She feels it is an imposition to the marshlands and damage will be done. Equipment will disturb the area. It may not be the intent to disturb the area but it will be disturbed and a line must be drawn regarding this plan.

Mr. Schenk reminds the citizens in attendance to submit any photos regarding their concerns.

Ms. Sullivan noted a riparian buffer zone repair.

Ms. Ryder explains the riparian zone.

Ms. Ryder notes mean high water at 4.7 on this lot. The whole site is river front.

Mr. Socolow inquired with Mr. Judd re: clam flats at the location and Mr. Judd stated no.

Ms. Ryder notes that we have pending comments from Shellfish.

A site visit is planned for 3/24/07 8:00 AM with Mr. Gulla, Mr. Schenk and possibly the Agent.

MOTION: Mr. Febiger moves to continue the matter to 04/18/07 8PM

SECOND: Mr. Anderson

VOTE: 5-0 all in favor

11:25 PM Mr. Socolow departs the meeting.

WINGAERSHEEK UPPER BEACH ASSOCIATES

To conduct maintenance and resurface existing roadway (Map 257) **NEW**

REQUEST FOR CONTINUATION UNTIL 04/04/07

MOTION: Mr. Febiger moves to continue the matter to the above date a 7:30 PM

SECOND: Ms. Jackson

VOTE: 5-0 all in favor

BROOKS ROAD ASSOCIATION **NEW**

To repair and improve existing walkway and floats on Atlantic Street (Map 246, Lot 50)

REQUEST FOR CONTINUANCE TO 04/04/07 to allow a site visit w/ Harbor Master and Shellfish.

MOTION: Mr. Febiger

SECOND: Mr. Anderson

VOTE: 5-0 all in favor

ATLANTIC STREET (Map 254)

The City of Gloucester to replace failed culvert and install new storm water Best Management Practices.

Mr. Schenk – recused Ms. Ann Jo Jackson will Chair this discussion.

Ms. Martha Reinhardt reviews the plan with the Commission. She notes the granite culvert which is 2 ft by 2 ft and in disrepair now having collapsed. The wish is to replace the culvert with a 3 ft by 3ft. box culvert. This would improve and restore the passage and improve water quality and flow. Drains were discussed as well.

Shellfish, Div. of Marine Fisheries and The Army Corp of Engineers are involved with the Army Corp of Engineer's permit to be issued next week.

A natural base for the culvert would be created with stone at a depth of 6 inches.

Photos were given to the Agent. Ms. Reinhardt notes the granite headwall and wanting to repair that as part of the project. This would improve the water quality as plowing will not be done in the same direction.

The construction sequence was submitted and discussed.

Mr. Anderson inquired as to the time of year for this project and Mr. Schenk stated that it would probably be in May. This is an area for alewife, smelts and Great Blue Heron.

Mr. Gulla stated that he thinks the proposed measurements seem narrow.

Ms. Ryder notes that what is being proposed is just a culvert. They will need to excavate more than 3ft. x 3 ft. The culvert was purchased before the approval of the project with grant money so the funds are already spent. The Engineering Dept. designed the culvert for the stream to flow and this is an Eng. structure design and nothing more.

To call this project a habitat restoration is a reach.

Brad from DMF reported that the fish will only go about ½ way through the culvert.

This is not even close to a stream restoration.

Mr. Gulla inquired as to the existing catch basins remaining and are they hooded.

Ms. Reinhardt stated she was not sure about being hooded already but did state that new catch basins would be going in and the hood is needed.

Mr. Gulla asked if Castle Drive was a private drive and Ms. Reinhardt stated that this was entirely a City project.

Mr. Schenk noted that to a large extent he agrees with the Agent. There is a limited amount of grant money and this is part 2 and 3 of a 3 part series of projects. If this was to be done over again lots of things would change but this seems to be better than what is there now. There are a lot of thing that were not factored in when the grant was written.

Ms. Jackson notes in regards to drainage that this is not a restoration project, this is a drainage project.

Ms. Ryder notes that the stream cross standards do not meet the intent of a stream improvement. The Agent reads from NOAH.

Mr. Schenk notes the construction sequence. Ms. Ryder notes that a condition could be that a member of the Cons. Comm. observe.

Mr. Schenk noted Eric Hutchins as someone to be onsite with Ms. Ryder in agreement.

Mr. Gulla asked how the plowing can be stopped in that particular area and Mr. Schenk stated signage should work.

Ms. Ryder notes that there are no comments from DEP.

MOTION: Mr. Anderson moves to continue the matter to 04/04/07 7:05 to review the final conditions.

SECOND: Mr. Febiger

VOTE: 4-0 all in favor

Discussion regarding submitting a proposal to the City Council requesting that **Chapter 12 Section 12-23 of the Code of Ordinances** be amended to allow the Conservation Commission to enforce the provisions of Chapter 12 through the noncriminal disposition law as forth in MGL chapter 40 section 21D

Ms. Ryder stated that she would draft a letter for approval at the next meeting. It was noted that ticketing would be enforced by the Agent and her assistant.

There was a brief discussion regarding a letter permit for test pits.

MOTION: Mr. Anderson moves to adjourn the meeting.

SECOND: Mr. Gulla

VOTE: 5-0 all in favor

Meeting adjourned

Respectfully submitted,
Carol Gray
Recording Clerk